

ENVIRONMENTAL PROTECTION COMMISSION[567]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission hereby amends Chapter 61, “Water Quality Standards,” Iowa Administrative Code.

This amendment provides water quality certification pursuant to Section 401 of the federal Clean Water Act (33 U.S.C. Section 1341) for the reissued Regional Permit 7 (RP 7).

Notice of Intended Action was published July 30, 2008, as **ARC 7039B**. A public hearing was held on August 19, 2008. No comments were received at the public hearing or during the public comment period which ended on August 19, 2008. No changes were made to the Notice of Intended Action.

Section 404 of the Clean Water Act requires a permit from the Corps of Engineers (Corps) for the discharge of dredged or fill materials into the nation’s waters. Section 401 of the Act requires that, before the Corps can issue a Section 404 permit, the state water quality agency must certify that the proposed activity will not violate state water quality standards.

Section 404 authorizes the Corps to issue general permits on a state, regional or nationwide basis for categories of activities where such activities will have minimal adverse effects. The Corps has used its general permit authority to issue a number of general permits on a nationwide basis. General permits, including regional permits, can be issued for a period not exceeding five years, and a state water quality agency must provide Section 401 certification for a Section 404 general permit before the general permit is valid for that particular state. The Commission previously provided Section 401 certification for RP 7. These permits are referenced in 567—paragraph 61.2(2)“h.”

The Corps issued the Public Notice for the reissuance of RP 7 on February 4, 2008, and it expired on March 4, 2008. This amendment provides Section 401 certification for the modified RP 7.

This amendment is intended to implement Iowa Code chapter 455B, division III, part 1.

This amendment shall become effective on November 12, 2008.

EDITOR’S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of this amendment [61.2(2)“h”] is being omitted. This amendment is identical to that published under Notice as **ARC 7039B**, IAB 7/30/08.

[Filed 9/15/08, effective 11/12/08]

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[For replacement pages for IAC, see IAC Supplement 10/8/08.]